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REMARKS

Claims 1-20 are pending herein.

Claims 1-20 are rejected.

Claims 13, 17, 19 and 20 are currently amended.

Claim rejections under 35 U.S.C. 102

Claims 17 and 19 were rejected under 35 U.S.C. 102(e) as being anticipated by Vereen et al. (US 2003/0199229 A1).

It is respectfully submitted that Vereen et al. fails to anticipate claims 17 and 19 under 35 U.S.C. 102(e).

Reference is made to MPEP 2131, which states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

It is respectfully submitted that Vereen et al. fails to disclose a method of polishing a substrate, comprising the step of "dispensing onto [a] polishing surface a first quantity of polishing slurry through [a] first set of slurry dispensing nozzles and a second quantity of polishing slurry unequal to said first quantity of polishing slurry through [a] second set of slurry dispensing nozzles", as set forth in claim 17 and defined by claim 19 as dependent from claim 17.

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It is further respectfully submitted that Vereen et al. fails to disclose a method of polishing a substrate "wherein said polishing surface comprises a circular polishing pad and wherein said first quantity of polishing slurry is higher than said second quantity of polishing slurry", as additionally set forth in amended claim 19.

Therefore, it is respectfully submitted that Vereen et al. fails to disclose "each and every element" as set forth in claim 17 and claim 19 as dependent from claim 17.

Accordingly, it is respectfully submitted that Vereen et al. fails to anticipate claims 17 and 19 under 35 U.S.C. 102(b), according to the criteria for anticipation set forth by the Federal Circuit decision in *Verdegaal Bros. v. Union Oil Co. of California*. Reconsideration and allowance of claims 17 and 19 is therefore respectfully solicited.

Claim Rejections under 35 U.S.C 103

Claims 1-16, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vereen et al. (US 2003/0199229 A1) as applied to claims 17 and 19 above.

It is respectfully submitted that Vereen et al. fails to render claims 1-16, 18 and 20 obvious within the contemplation of 35 U.S.C. 103(a) on the grounds that Vereen et al. fails to teach or suggest all of the limitations of the claims, as hereinafter discussed in detail.

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Vereen et al. fails to teach invention of claims 1-12

It is respectfully submitted that Vereen et al. fails to render claim 1, and claims 2-12 as dependent therefrom, obvious within the contemplation of 35 U.S.C 103(a) since Vereen et al. fails to teach or suggest all of the limitations of claim 1, and therefore, claims 2-12 as dependent therefrom.

Specifically, it is respectfully submitted that Vereen et al. fails to teach or suggest a slurry distribution system comprising a slurry delivery conduit having "a second set of spaced-apart nozzles...disposed in alternating and staggered relationship with respect to [a] first set of nozzles", as set forth in claim 1 and defined by claims 2-12 as dependent therefrom.

In the Office action it was stated, "However, the examiner notes that the disclosure of Vareen et al. (US2003/0199229 A1), taken as a whole, teaches that the particular arrangement of the nozzles may be modified, such that the slurry may be uniformly distributed over the polishing surface (see paragraph [0059])...".

MPEP 2145(X)(B) states, "The admonition that 'obvious to try' is not the standard under [section] 103 has been directed mainly at two kinds of error. In some cases, what would have been 'obvious to try' would have been to vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result, where the prior art gave either no

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indication of which parameters were critical or no direction as to which of many possible choices is likely to be successful...". In re O'Farrell, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988).

It is respectfully submitted that an "obvious to try" rationale must be used to sustain a rejection of claims 1-12 under 35 U.S.C. 103(a) since Vereen et al. (paragraph [0059]) gives only a general indication that the nozzles of the Vereen et al. device may be modified and fails to teach or suggest particularly that arranging the nozzles in such a manner that first and second sets of nozzles are arranged in "alternating and staggered relationship" to each other in a slurry dispensing arm facilitates uniform distribution of a slurry over a polishing surface.

Accordingly, it is respectfully submitted that Vereen et al. fails to teach or suggest all of the limitations of claim 1, and therefore, claims 2-12 as dependent from claim 1, as required for a finding of obviousness under 35 U.S.C. 103(a). Reconsideration and allowance of claims 1-12 is therefore respectfully solicited.

Vereen et al. fails to teach invention of claims 13-16

It is respectfully submitted that Vereen et al. fails to render amended claim 13, and claims 14-16 as dependent therefrom, obvious within the contemplation of 35 U.S.C 103(a)

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since Vereen et al. fails to teach or suggest all of the limitations of amended claim 13, and therefore, claims 14-16 as dependent therefrom.

Reference is made to MPEP 2143.03, where it is stated, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention". *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

In paragraph [0028] of the Vereen et al. disclosure, it is stated, "As the polishing fluid 114 is generally supplied from a single source, the polishing fluid 114 is disposed on the polishing material 108 in a uniform concentration but in different locations along the width (or diameter) of the polishing material 108".

Therefore, since Vereen et al. teaches that the polishing fluid (114) is to be disposed on the polishing material (108) in a uniform concentration along the width of the polishing material, it is respectfully submitted that the Vereen et al. disclosure teaches away from providing a slurry distribution system comprising a slurry dispensing bar having "a proximal set of slurry dispensing nozzles...a distal set of slurry dispensing nozzles...wherein said proximal set of slurry dispensing nozzles and said distal set of slurry dispensing nozzles are unequal in slurry-dispensing area", as set forth in amended claim 13 and defined by claims 14-16 as dependent therefrom.

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Such a distribution of slurry dispensing nozzles in a slurry dispensing bar would result in dispensing of a slurry in non-uniform concentrations on a polishing surface.

Accordingly, it is respectfully submitted that Vereen et al. fails to teach or suggest all of the limitations of amended claim 13 and claims 14-16 as dependent therefrom, as required for a finding of obviousness under 35 U.S.C. 103(a).

Thus, it is respectfully submitted that Vereen et al. fails to render claims 13-16 obvious within the contemplation of 35 U.S.C. 103(a). Reconsideration and allowance of claims 13-16 is therefore respectfully solicited.

Vereen et al. fails to teach invention of claim 18

It is respectfully submitted that Vereen et al. fails to render claim 18, as dependent from amended claim 17, obvious within the contemplation of 35 U.S.C 103(a) since Vereen et al. fails to teach or suggest all of the limitations of amended claim 17, and therefore, claims 18 and 20 as dependent therefrom.

Specifically, it is respectfully submitted that Vereen et al. fails to teach or suggest a method of polishing a substrate, comprising the step of "dispensing onto [a] polishing surface a first quantity of polishing slurry through [a] first set of slurry dispensing nozzles and a second quantity of polishing slurry unequal to said first quantity of polishing slurry

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through [a] second set of slurry dispensing nozzles", as set forth in amended claim 17 and defined by claim 18 as dependent from amended claim 17.

As set forth herein above, since Vereen et al. teaches that the polishing fluid (114) is to be disposed on the polishing material (108) in a uniform concentration along the width of the polishing material (paragraph [0028]), it is respectfully submitted that the Vereen et al. disclosure teaches away from dispensing first and second quantities of polishing slurry on a polishing surface in unequal quantities, as set forth in amended claim 17.

Accordingly, it is respectfully submitted that Vereen et al. fails to render claim 18, as dependent from amended claim 17, obvious within the contemplation of 35 U.S.C. 103(a). Reconsideration and allowance of claim 18 is therefore respectfully solicited.

Vereen et al. fails to teach invention of claim 20

It will be noted that claim 20 has been rewritten in independent form.

It is respectfully submitted that Vereen et al. fails to teach or suggest all of the limitations of claim 20, since Vereen et al. fails to teach or suggest a method of polishing a substrate which comprises dispensing onto a polishing surface a first quantity of polishing slurry through a first set of slurry

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dispensing nozzles and a second quantity of polishing slurry through a second set of slurry dispensing nozzles, "wherein said first set of slurry dispensing nozzles and said second set of slurry dispensing nozzles are disposed in staggered relationship with respect to each other", as set forth in amended claim 20.

In contrast, as set forth herein above, while the disclosure of Vereen et al. teaches that the particular arrangement of the nozzles may be modified such that the slurry may be uniformly distributed over the polishing surface (paragraph [0059]), it is respectfully submitted that Vereen et al. gives only a general indication that the nozzles of the Vereen et al. device may be modified and fails to teach or suggest particularly that arranging the nozzles in such a manner that first and second sets of nozzles are arranged in "alternating and staggered relationship" to each other in a slurry dispensing arm facilitates uniform distribution of a slurry over a polishing surface.

Accordingly, it is respectfully submitted that Vereen et al. fails to teach or suggest all of the limitations of claim 20, as required for a finding of obviousness under 35 U.S.C. 103(a). Reconsideration and allowance of claim 20 is therefore respectfully solicited.

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Conclusion

Every effort has been made to amend applicant's claims in order to define his invention in the scope to which it is entitled. Accordingly, reconsideration and allowance of claims 1-20 is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

Randy W. Tung
Reg. No. 31,311